

Water Quality Control Plans

Water Quality Control Plans

- Regional WQ Control Plan = Basin Plan

- 10 Regional Water Quality Control Plans
 - 9 Regions in CA
 - Region 5
 - Central Valley
 - Tulare Lake

Basin Plan

- Must conform with CWC §13000 (Vision)

The Legislature finds and declares that the people of the state have a primary interest in the conservation, control, and utilization of the water resources of the state, and that the quality of all the waters of the state shall be protected for use and enjoyment by the people of the state.

Basin Plan

➤ CWC §13000 (Vision2)

The Legislature further finds and declares that activities and factors which may affect the quality of the waters of the state shall be regulated to attain the highest water quality which is reasonable, considering all demands being made and to be made on those waters and the total values involved, beneficial and detrimental, economic and social, tangible and intangible.

Basin Plan

➤ CWC §13000 (Vision3)

The Legislature further finds and declares that the health, safety and welfare of the people of the state requires that there be a statewide program for the control of the quality of all the waters of the state; that the state must be prepared to exercise its full power and jurisdiction to protect the quality of waters in the state from degradation originating inside or outside the boundaries of the state; that the waters of the state are increasingly influenced by interbasin water development projects and other statewide considerations; that factors of precipitation, topography, population, recreation, agriculture, industry and economic development vary from region to region within the state; and that the statewide program for water quality control can be most effectively administered regionally, within a framework of statewide coordination and policy.

Basin Plan

- What do the BPs have to ensure the legislatures vision: Must Conform with CWC §13240
 - Each Region must formulate and adopt a Basin Plan for all areas within a region
 - Basin Plan must be consistent §13000 and any State Policy
 - §13170 Adopted State Board Plans supersede
 - During the process of formulating such plans the regional boards shall consult with and consider the recommendations of affected state and local agencies
 - Shall be Periodically Reviewed and May be Revised

Basin Plan

- Must Conform with CWC §13050 (j)
 - “Water quality control plan” consists of a designation or establishment for the waters within a specified area of all of the following:
 - (1) Beneficial uses to be protected.
 - (2) Water quality objectives.
 - (3) A program of implementation needed for achieving water quality objectives.

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Basin Plan

- (1) What are Beneficial Uses?
 - CWC §13050 (f) “Beneficial uses” of the waters of the state that may be protected against quality degradation include, but are not limited to, domestic, municipal, agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves.
- ** The Clean Water Act [§303] Requires that the State designate beneficial uses for surface waters for protection and propagation of fish, shellfish and wildlife, recreation in and on the water (“fishable/swimmable” goals, CWA §101), use of water for public water supplies, and agricultural, industrial, and navigational purposes [CWA §303].

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Basin Plan

- What are Water Quality Objectives?
 - CWC §13050 (h)
 - “Water quality objectives” means the limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area.

Basin Plan

- Dart Board Method?
 - CWC §13241. Water quality objectives
 - Each regional board shall establish such water quality objectives in water quality control plans as in its judgment will ensure the reasonable protection of beneficial uses and the prevention of nuisance; however, it is recognized that it may be possible for the quality of water to be changed to some degree without unreasonably affecting beneficial uses.

Basin Plan

- CWC §13241. Water quality objectives
 - (a) Past, present, and probable future beneficial uses of water.
 - (b) Environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto.
 - (c) Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area.
 - (d) Economic considerations.
 - (e) The need for developing housing within the region.
 - (f) The need to develop and use recycled water.

Basin Plan

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Basin Plan

- An Implementation Plan?
 - CWC §13242. Implementation
 - (a) A description of the nature of actions which are necessary to achieve the objectives, including recommendations for appropriate action by any entity, public or private.
 - (b) A time schedule for the actions to be taken.
 - (c) A description of surveillance to be undertaken to determine compliance with objectives.

Basin Plan

➤ Review of Basin Plan?

- CWC §13240 requires “periodic” review of the Basin Plan
- CWA §303(c)(1) requires a “triennial” review of Water Quality Standards.
 - Requires a formal action adopting the Review

➤ Three Statewide Plans

- Ocean Plan
- Thermal Plan
- Bay-Delta Plan
- Future Plans?

Statewide Plans

➤ Ocean Plan

- Applies to “Ocean Waters” as defined by California Law
- Beneficial Uses
- Objectives
- Monitoring and Surveillance

Statewide Plans

➤ Thermal Plan

- Applies to Coastal and Interstate Waters, Enclosed Bays and Estuaries
- Cold Interstate Waters
- Warm Interstate Waters
- Colorado and Lost Rivers
- Coastal Waters
- Enclosed Bays
- Estuaries

Statewide Plans

➤ Bay-Delta Plan

- Applies to San Francisco Bay/Sacramento-San Joaquin Delta Estuary
- Beneficial Uses
- Water Quality Objectives
- Implementation
- “Complimentary” to Regional Board Basin Plans

Statewide Policies

- Policy for Water Quality Control (adopted July 6, 1972)
- Statement of Policy with Respect to Maintaining High Quality of Waters in California (Antidegradation Policy – SWRCB Resolution No. 68-16)
- Water Quality Control Policy for the Enclosed Bays and Estuaries of California (SWRCB Res. 74-43)

Statewide Policies (cont.)

- Water Quality Control Policy on the Use and Disposal of Inland Waters Used for Powerplant Cooling (SWRCB Res. 75-58)
- Policy with Respect to Water Reclamation in California (SWRCB Res. 77-1)
- Policy on Disposal of Shredder Waste (SWRCB Res. 87-22)
- Policy Regarding the Underground Storage Tank Pilot Program (SWRCB Res. 88-23)

Statewide Policies (cont.)

- Sources of Drinking Water Policy (SWRCB Res. 88-63)
- Pollutant Policy Document for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (SWRCB Res. 90-67)
- Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code §13304 (Containment Zone Policy – SWRCB Res. 92-49)

Statewide Policies (cont.)

- Policy for Regulation of Discharges of Municipal Solid Waste (SWRCB Res. 93-62)
- Water Quality Enforcement Policy (SWRCB Res. 96-030 & 97-085)
- Consolidated Toxic Hot Spots Cleanup Plan (Adopted as a water quality control policy) (SWRCB Res. 99-065)
- Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (“CTR” Policy – SWRCB Res. 2000-15)
- Compliance Schedule Policy (SWRCB Resolution No. 2008-0025)

Using Our Basin Plan

- CWC §13242(a) Requires a description of the nature of actions which are necessary to achieve the objectives. So how can we use our Basin Plan?
 - Issuance of Waste Discharge Requirements (WDR), which also serve as National Pollutant Discharge Elimination System (NPDES) permits for discharges from point sources to navigable waters, including stormwater runoff permitting;

Using Our Basin Plan (cont.)

- Issuance of WDRs for discharges to groundwater and to earthen containment intended to preclude discharges reaching groundwater (e.g., landfills, ponds, land application of treated wastewater, sludge disposal, etc.);

Using Our Basin Plan (cont.)

- Issuance of WDRs or conditional Waivers of WDRs for discharges of irrigated agriculture return flows;
- Identification of background water quality;
- Establishment of water quality based effluent limitations;

Using Our Basin Plan (cont.)

- Prohibitions of discharge and, if applicable, the criteria under which exceptions to the prohibitions may be granted;
- Nonpoint source control programs including applicability and procedures for approval/acceptance of management practices;
- Establishment of Total Maximum Daily Loads (TMDL) with implementation plans;

Using Our Basin Plan (cont.)

- Enforcement considerations;
- Policy and procedures for addressing specified types of discharges, including agricultural runoff, erosion control, and vessel waste;
- Policy and procedures for determining compliance with effluent limits and water quality objectives;

Using Our Basin Plan (cont.)

- Policy and procedures for addressing specified programs, including wastewater reclamation, re-use and land disposal;
- Waiver policy and listing of types of waivers granted;
- State Board-adopted Policies and Guidelines;
- Listing, and brief description, of cooperative agreements with other agencies for water quality control, such as Memoranda Of Understanding and Management Agency Agreements.

Using our Basin Plan (cont.2)

- CWC §13242(c) Requires a description of surveillance and monitoring
 - CWC §13267 Inspections; Investigations
 - (a) RB may investigate the quality of any water of the State within it's region.
 - In conducting an investigation RB may require technical or monitoring program reports of any discharger or suspected discharger
 - Recommend Reading entire Section
 - Very powerful Tool

Aligning Basin Plan with Priorities

➤ Modifying the Basin Plan

- Amendments

- Total Maximum Daily Loads
- Site Specific Objectives (SSO's)
 - Alteration to a Water Quality Objective in a given area
 - WER

- UAA

- Policies

- New Direction
 - Compliance Schedule
 - Requirements vs. Recommendations

Aligning Basin Plan with Priorities (cont.)

➤ Modifying the Basin Plan

- Basin Plan Amendment
 - Total Maximum Daily Load (TMDL)
 - Maximum Amount (loading capacity) Waterbody can receive and still meet WQS.
 - $TMDL = \Sigma WLA + \Sigma LA + MOS$

Aligning Basin Plan with Priorities (cont.)

➤ Modifying the Basin Plan (cont.)

- Basin Plan Amendment (Cont.)

- Water Effects Ratio (WER)

- A WER is a means to account for a difference between the toxicity of a pollutant in laboratory test water and its toxicity in local waterbodies.

Aligning Basin Plan with Priorities (cont.)

➤ Modifying the Basin Plan (cont.)

- Basin Plan Amendment (cont.)
 - Use Attainability Analysis (UAA)
 - UAAs are “a structured scientific assessment of the factors affecting the attainment of a use which may include physical, chemical, biological, and economic factors...”(40 CFR 131.10(g))

Aligning Basin Plan with Priorities (cont.)

- Modifying the Basin Plan (cont.)
 - Basin Plan Amendment (cont.)
 - Policies
 - New Direction
 - Compliance Schedule
 - Requirements vs. Recommendations

Aligning Basin Plan with Priorities (cont.)

➤ Examples

- Los Angeles River Metals
 - Encourage Regional Solutions
 - Created “Jurisdictional Groups”
- Malibu Creek and Lagoon Bacteria
 - Reference System/Antidegradation approach
 - Exceedance Days
 - Encourage Regional Implementation

Aligning Basin Plan with Priorities (cont.)

➤ Other Possibilities?

- Encourage Low Impact Development (LID)
 - Allow more time to install/implement LID approaches
- Natural Source Exclusion Language?
- Policies to address pollutant sources outside of TMDLs
 - North Coast Water Board Sediment Policy
- Regulate Impacts to Beneficial Uses
 - Nutrient Numeric Endpoints

Aligning Basin Plan with Priorities (cont.)

- What other possibilities are there?
- Questions/Comments/Discussion